

Message Text

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C O N F I D E N T I A L KATHMANDU 4769

E.O. 11652: GDS
TAGS: SHUM, PINT, NP
SUBJECT: RESUMED TRIAL OF B.P. KOIRALA

REF: A) KATHMANDU 4332, B) KATHMANDU 1137, C) KATHMANDU 2848

SUMMARY: THE HEARING ON THE SIXTH CHARGE AGAINST B.P. KOIRALA HAS BEEN DELAYED A FURTHER TWO WEEKS, WITH NO WORD ON THE SEVENTH CHARGE OR ON A HEARING OF THE GOVERNMENT APPEAL OF THE ACQUITTALS ON THE FIRST FIVE CHARGES. FINAL COURT ACTION NOW APPEARS UNLIKELY UNTIL LATE OCTOBER AT EARLIEST. THE DELAY SUGGESTS THAT THE PALACE HAS NOT YET DECIDED HOW TO HANDLE B.P. END SUMMARY.

1. B.P. KOIRALA REPORTED TO THE SPECIAL TRIBUNAL SEPTEMBER 8, AS PER REF A. THE ONLY DEVELOPMENT WAS AN ANNOUNCEMENT THAT A HEARING ON ONE OF THE TWO REMAINING CHARGES -- THE ONE INVOLVING ALLEGED SEDITION -- WHICH WERE NOT DECIDED LAST FEBRUARY/MARCH (REF B) WOULD COMMENCE ON SEPTEMBER 11.

2. THE COURT CONVENED ON SEPTEMBER 11 ONLY TO ORDER A DELAY, THIS TIME FOR TWO WEEKS: THE JUDGE RULED THAT A NEPALI TRANSLATION OF THE ALLEGEDLY SEDITIOUS ARTICLE (FROM AN ENGLISH-LANGUAGE INDIAN JOURNAL, "SPIT FIRE", APPARENTLY PUBLISHED IN PATNA) MUST BE PREPARED BEFORE THE CASE COULD
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BE CONSIDERED.

3. THE JUDGE ALSO ANNOUNCED THAT INVESTIGATION OF THE OTHER REMAINING CHARGES WAS STILL NOT COMPLETED -- APPARENTLY ONE WITNESS HAD NOT BEEN FOUND. THE JUDGE INDICATED THAT HE MIGHT HAVE MORE INFORMATION ON WHEN THAT CASE WOULD BE READY FOR HEARING WHEN THE COURT NEXT MET IN TWO WEEKS.

4. AS FOR THE SEPARATE ISSUE OF THE GOVERNMENT APPEAL OF THE FIVE ACQUITTALS (REF C), KUSUM SHRESTHA, B.P.'S LAWYER, TELLS US THAT THE GOVERNMENT HAS NOT YET BEEN SUMMONED BY THE REGIONAL COURT TO PRESENT ITS ARGUMENTS. THE REGIONAL COURT HAS IN EFFECT NOT YET GOTTEN TO THE CASE.

5. COMMENT: IT IS EVIDENT THAT THE GON IS IN NO HURRY TO RESOLVE THE LEGAL ISSUES SURROUNDING B.P. KOIRALA. CROWDED COURT DOCKETS, PERHAPS EVEN DELAYS IN FINDING WITNESSES MIGHT BE UNDERSTANDABLE, BUT TO HAVE THE TRANSLATION ISSUE ARISE NOW FOR THE FIRST TIME, SOME EIGHTEEN MONTHS AFTER THE CHARGES WERE INITIALLY FILED, APPEARS TO BE STRETCHING THINGS A BIT. THE GOVERNMENT'S FOOT-DRAGGING PROBABLY REFLECTS PALACE INDECISION ON HOW TO HANDLE B.P. THERE IS PRESUMABLY A LIMIT TO HOW LONG THE DELAYS CAN GON ON, HOWEVER, WITH THE RESULT BEING THAT, WHEN THE PALACE DOES DECIDE ON A COURSE OF ACTION, THE B.P. CASES MIGHT MOVE FORWARD RATHER APIDLY. IN THE MEANTIME, THE BEST BET IS NO DECISION UNTIL AT LEAST AFTER DESAIN HOLIDAYS, I.E., LATE OCTOBER.

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